

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOSEPH MARINO	:	CIVIL ACTION
	:	
Plaintiff	:	NO. 02-4488
	:	
v.	:	
	:	
SLS, INC. d/b/a HOLT OVERSIGHT AND	:	
LOGISTICAL TECHNOLOGIES, ET AL.	:	
	:	
Defendants	:	

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**DEFENDANTS, SLS, INC. d/b/a HOLT OVERSIGHT AND LOGISTICAL  
TECHNOLOGIES, TRANS OCEAN MARITIME SERVICES, INC., AND JOSEPH  
LEVY'S RESPONSE TO PLAINTIFF'S MOTION FOR RECONSIDERATION**

NOW COME Defendants, SLS, Inc. d/b/a Holt Oversight and Logistical Technologies, Trans Ocean Maritime Services, Inc., and Joseph Levy, by and through their counsel, Mattioni, Ltd., and for the Response for Plaintiff's Motion for Reconsideration of Order Granting Defendants' Motions for Summary Judgment states as follows:

1. Admitted.
2. Calls for no response from these Answering Defendants.
3. Calls for no response from these Answering Defendants.
4. Denied. There was no Summary Judgment Order entered in favor of Defendant

Joseph Levy to vacate. The Court in its October 3, 2003 Order denied Plaintiff's Motion for Default Judgment and dismissed the claim against Joseph Levy for lack of service pursuant to Fed. R.Civ.P. 4(m).<sup>1</sup> The Court did hold as a matter of law that neither SLS, Inc. d/b/a Holt Oversight

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<sup>1</sup> It is noteworthy that after improperly attempting to serve Mr. Levy at the wrong location and after being provided his residential address, Plaintiff's counsel advised the Court in a conference call that Mr. Levy would be properly served, but failed to do so.

and Logistical Technologies nor Joseph Levy owed a duty of care to Plaintiff (Order, VI, pp. 13-15; VII, p. 16, footnote 9). As such, the Court concluded that even if Plaintiff had demonstrated good cause for its failure to serve Mr. Levy, Summary Judgment in favor of Mr. Levy would have been granted on the grounds set forth in VI of the Memorandum. (Order, VII, p. 16, footnote 9).

5. Denied. See response to preceding paragraphing.

WHEREFORE, Defendants, SLS, Inc. d/b/a Holt Oversight and Logistical Technologies, Trans Ocean Maritime Services, Inc., and Joseph Levy, respectfully pray this Honorable Court dismiss Plaintiff's Motion for Reconsideration, and award costs and reasonable attorney fees to the extent it deems proper and just.

Respectfully submitted:

MATTIONI, LTD.

BY: \_\_\_\_\_

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Dated: \_\_\_\_\_

